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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/643,604

08/18/2003

John Wallace Nasielski

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QUALCOMM INCORPORATED  
5775 MOREHOUSE DR.  
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EXAMINER

NGUYEN, QUYNH H

ART UNIT

PAPER NUMBER

2614

NOTIFICATION DATE

DELIVERY MODE

10/08/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com  
kascanla@qualcomm.com  
nanm@qualcomm.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/643,604	<b>Applicant(s)</b> NASIELSKI ET AL.	
	<b>Examiner</b> QUYNH H. NGUYEN	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-18 and 20-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-18, 20-27, 29-32, and 34 is/are rejected.
- 7) ☒ Claim(s) 28 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 10-18, 20-27, 29-32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmad et al. (2002/0082029) in view of Pepe et al. (US Patent 5,742,905).

As to claims 1, 12, 23-24, and 34, Ahmad et al. teaches a method of wireless communication comprising:

establishing a packet data session from a wireless communications device to support a network connection to a packet switched network (paragraphs [0007]; [0024]); and

receiving a notification at the wireless communications device of an incoming call from an Internet Call -Waiting Server (paragraph [0038]) from a circuit switch network while the network connection is active (paragraphs [0035] - [0036]).

Ahmad does not explicitly teach receiving a notification from a voice message server.

Pepe teaches receiving messages notification between messaging systems (col. 5, lines 56-67; col. 6, lines 20-33; col. 27, lines 22-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that receiving a notification could be from an Internet Call-Waiting server or a voice message server depending on how equipments are arranged / set up. The latter one is the preferred one in the instant application. Receiving message notification from an Internet Call -Waiting Server or a voice message server is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances and/or arrangements, without the exercise of inventive skill.

Claim 29 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, operating a wireless device in a serving network, the wireless device being assigned to a home network different from the serving network is known by the skilled person having assigned to a home network can be operating in visitor networks. The communications device is operating in a serving network different from the home network is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill.

As to claims 2, 13, and 25, Ahmad et al. teaches receiving notification at the wireless communications device over the packet data session (paragraphs [0036] and [0038]).

As to claims 3, 14, and 26, Ahmad et al. teaches registering from the wireless communications device over the packet data session with a voice message server (*Internet Call -Waiting Server*) to receive the notification (paragraph [0039]).

As to claims 4-5 and 15-16, Ahmad et al. teaches the use of a session key and a transport control protocol session is considered to be implicit in a packet data session (paragraphs [0036] and [0038]).

As to claims 6-8, 10-11, 17-18, 20-22, and 27, Ahmad et al. teaches terminating the packet data session in response to the notification of the incoming call, and accepting the incoming call from the circuit switched network; receiving the notification at the wireless device and sending a reply over the packet data session from the wireless device in response to the notification (paragraphs [0011], [0036] and [0039]).

Claims 30-32 are rejected for the same reasons as discussed above with respect to claims 25-27, respectively and the first limitation of claim 29.

#### ***Allowable Subject Matter***

4. Claims 28 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 28 and 33, prior arts of record fail to teach, or render obvious, alone or in combination, a method of wireless communication comprising the claimed means and their components, relationships, and functionalities as specifically recited in claims 28 and 33, and independent claims 24 and 29 that claims 28 and 33 depend on, respectively.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-7, 9-18, and 20-34 have been considered but are moot in view of the new ground(s) of rejection.

Applicant mainly argues that in Ahmad, a voice mail system is a separate system. This is irrelevant, because Applicant does not recite whether a voice message server is a part or not part of Applicant's system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUYNH H. NGUYEN whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quynh H Nguyen/

Primary Examiner, Art Unit 2614